

Notice of Allowability

Application No.

09/586,119

Examiner

Victor S Chang

Applicant(s)

HAMERSKI, MICHAEL D.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 6/24/2004.
2. ☒ The allowed claim(s) is/are 1-9,11 and 12.
3. ☒ The drawings filed on 02 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/25/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Czaja on 8/12/2004.

Claims 13-22, 24, 25 and 26-34 are cancelled.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

Upon reconsideration, the Examiner now agrees with Applicant's argument "the "reduced adhesive properties" set forth in the claims are not inherent microscopic variations in adhesiveness" (Appeal Brief, page 8, top paragraph). As such, the rejection under 35 U.S.C. 112, second paragraph, in section 5 of Office action dated 11/21/2003 is withdrawn.

Further, Applicant's argument "Both Bries et al. and Luhmann teach having the non-adhesive or reduced adhesion region at the end of the tape opposite the pull tab. The purpose of the arrangement of adhesion regions in Bries et al. is to provide a controlled sequential release of adhesive surfaces, and in Luhmann to reduce damage to the substrate or object upon removal of the adhesive. The present invention provides a second adhesive region with reduced adhesive properties adjacent the pull tab ...

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Rearranging the position of the first region and second adhesion regions of both Bries et al. and Luhmann ... would destroy or contravene the desired characteristics of the articles described in the references" (Appeal Brief, page 11, bottom paragraph) has been carefully reconsidered, and persuasive. Additionally, in view of Applicant's argument "Bries et al. is directed to allowing an object mounted with the adhesive tape to be removed without risking snap back of the adhesive tape or catapulting of the object ... The present invention, in contrast, is directed to preventing damage to a wall surface during failure of the adhesive article." (Remarks dated 9/3/2003, page 12, second paragraph), the Examiner notes that since the structural relationship of the pull tab to the reduced adhesive region of the instant invention is distinct from Bries and Luhmann, and also functions differently, the instant invention is unobvious over the Bries or Luhman references.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vsc
Victor S Chang
Examiner
Art Unit 1771

8/12/2004

TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700